

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 03-cr-173-01-JD

Michael Noucas

**O R D E R**

On May 31, 2007, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on three alleged violations of conditions of supervision. Defendant waived a probable cause hearing on the violations. I therefore find probable cause to hold him for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community.

Defendant has not met his burden. In fact, he has begun using cocaine again. In response to diluted urine drops in the last few months, defendant was ordered to make daily call-ins and do 4 - 5 urine drops per month. On May 17, 2007 he was in possession of a crack cocaine pipe, resisted arrest and trespassed. He failed to notify Probation and, in fact, failed

to make any daily call-ins after May 18. He admitted to using cocaine last weekend and last night. When Marshals sought to arrest him he tried to duck out the back door and have his friends lie about his presence.

In short, this is a classic case of an addict who cannot control his conduct, making him a risk of flight and a danger to the community. There are no conditions which are likely to assure his presence and the safety of the community.

Accordingly, it is ORDERED that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United

States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: May 31, 2007

cc: Daniel D. Lustenberger, Esq.  
Joseph N. Laplante, Esq.  
U.S. Marshal  
U.S. Probation